

From: Gimlin, Peter [Gimlin.Peter@epa.gov]
Sent: 12/13/2018 4:00:25 PM
To: Gimlin, Peter [Gimlin.Peter@epa.gov]
Subject: BNA Article on Region 3 NON - Hazleton Creek lawsuit

Pennsylvania Redeveloper to Defend Use of PCB-Laced Fill Material

Posted Dec. 7, 2018, 4:20 PM

By [Sylvia Carignan](#)

- Pennsylvania firm building arts center atop abandoned mines
- Court to review EPA notice

A Pennsylvania company working to reclaim an abandoned mine is challenging the EPA's determination that the company potentially violated a federal chemical waste law and state permit.

Hazleton Creek Properties LLC asked the U.S. Court of Appeals for the Third Circuit Dec. 6 to review the Environmental Protection Agency's notice. The company's Hazelton, Pa., property has 277 acres of abandoned mine pits as well as municipal and industrial waste.

The company is accepting materials including coal ash, cement kiln dust, concrete, and asphalt to eventually create a [performing arts center](#) on the site. According to the Hazelton Creek Properties' website, "HCP is authorized to conduct the site reclamation/remediation using the residual materials" approved by several government agreements.

Solid vs. Hazardous Waste

The agency took issue with Hazelton's use of material that contains polychlorinated biphenyls (PCBs), which are probable carcinogens, according to the EPA. The federal Toxic Substances Control Act and EPA regulations limit the concentration of PCBs that are acceptable for use.

A Sept. 26 letter from the EPA to the company noted that the agency wasn't taking corrective action at the time, but may do so if the firm continued to accept materials in violation of federal regulations.

Neither the company nor the EPA immediately responded to Bloomberg Environment's requests for comment.

The case is [Hazelton Creek Props. LLC v. EPA](#), 3d Cir., No. 18-03665, 12/6/18.

To contact the reporter on this story: Sylvia Carignan in Washington at scarignan@bloombergenvironment.com

From: Gimlin, Peter

Sent: Monday, December 10, 2018 11:19 AM

To: Fisher, Bethany <fisher.bethany@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Mottley, Tanya <Mottley.Tanya@epa.gov>; Symmes, Brian <Symmes.Brian@epa.gov>

Subject: BNA on Region 3 NON

And it's already in the trade rag. That was quick!

BNA DAILY ENVIRONMENT REPORT ARTICLES

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